

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

BANXCORP,

Plaintiff,

v.

BANKRATE, INC.,

Defendant.

Civil Action No. 07-3398 (CCC)

**[RE-FILED]
PLAINTIFF'S NOTICE
OF MOTION FOR
SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that pursuant to the Court's Order dated October 25, 2013 administratively terminating Plaintiff's [389] Motion for Summary Judgment [ECF No. 449], the Court's Order dated October 25, 2013 referring the case to mediation [ECF No. 450], the failure of the Court's mandatory mediation on December 13, 2013 [ECF No. 453], and the Court's Order dated September 26, 2014 (the issues surrounding Defendant's fraudulent expert reports of Mark Glueck shall be decided in conjunction with summary judgment) [ECF No. 465], Plaintiff BanxCorp shall move before the Court for an Order granting Plaintiff's re-filed motion for summary judgment against Defendant Bankrate, Inc., originally filed on March 7, 2013 [ECF No. 389].

PLEASE TAKE FURTHER NOTICE that in support of this re-filed motion, Plaintiff shall rely upon the following related documents on the record:

03/07/2013	<u>389</u>	MOTION for Summary Judgment <i>Notice of Motion</i> by BANXCORP. Responses due by 4/4/2013 (HERSH, LAWRENCE) (Entered: 03/07/2013)
03/07/2013	<u>390</u>	APPENDIX in Support filed by BANXCORP re <u>389</u> MOTION for Summary Judgment <i>Notice of Motion Appx A1 – Table of Contents</i> (Attachments: # <u>1</u> Declaration Appx A2 – Lipkis Decl, # <u>2</u> Declaration Appx A3 – Mehl Decl, # <u>3</u> Declaration Appx A4–A5 – Smith Decl and Expert Report)(HERSH, LAWRENCE) (Entered: 03/07/2013)
03/07/2013	<u>391</u>	APPENDIX in Support filed by BANXCORP re <u>389</u> MOTION for Summary Judgment <i>Notice of Motion Appx Ex B1–B12</i> (HERSH, LAWRENCE) (Entered: 03/07/2013)

03/07/2013	<u>392</u>	APPENDIX in Support filed by BANXCORP re <u>389</u> MOTION for Summary Judgment <i>Notice of Motion Appx Ex C1-C16</i> (Attachments: # <u>1</u> Exhibit Appx Ex C17-C34)(HERSH, LAWRENCE) (Entered: 03/07/2013)
03/07/2013	<u>393</u>	APPENDIX in Support filed by BANXCORP re <u>389</u> MOTION for Summary Judgment <i>Notice of Motion Appx Ex D1-D12</i> (HERSH, LAWRENCE) (Entered: 03/07/2013)
03/07/2013	<u>394</u>	APPENDIX in Support filed by BANXCORP re <u>389</u> MOTION for Summary Judgment <i>Notice of Motion Appx Ex E1-E2</i> (Attachments: # <u>1</u> Exhibit Appx Ex E4-E30)(HERSH, LAWRENCE) (Entered: 03/07/2013)
03/07/2013	<u>395</u>	APPENDIX in Support filed by BANXCORP re <u>389</u> MOTION for Summary Judgment <i>Notice of Motion Appx Ex E3 (Part I)</i> (Attachments: # <u>1</u> Exhibit Appx Ex E3 (Part II))(HERSH, LAWRENCE) (Entered: 03/07/2013)
03/07/2013	<u>396</u>	APPENDIX in Support filed by BANXCORP re <u>389</u> MOTION for Summary Judgment <i>Notice of Motion Appx Ex E31-E41</i> (Attachments: # <u>1</u> Exhibit Appx Ex E42-E52)(HERSH, LAWRENCE) (Entered: 03/07/2013)
03/07/2013	<u>397</u>	APPENDIX in Support filed by BANXCORP re <u>389</u> MOTION for Summary Judgment <i>Notice of Motion Appx Ex F131 (Sealed)</i> (Attachments: # <u>1</u> Exhibit Appx Ex G1-G5, # <u>2</u> Exhibit Appx Ex G6-G13, # <u>3</u> Exhibit Appx Ex G14-G18, # <u>4</u> Exhibit Appx Ex G19-G20, # <u>5</u> Exhibit Appx Ex G21-G31)(HERSH, LAWRENCE) (Entered: 03/07/2013)
03/07/2013	<u>398</u>	APPENDIX in Support filed by BANXCORP re <u>389</u> MOTION for Summary Judgment <i>Notice of Motion Appx Ex F1 (Part I) (Sealed)</i> (Attachments: # <u>1</u> Exhibit Appx Ex F1 (Part II), # <u>2</u> Exhibit Appx Ex F2 (Part I), # <u>3</u> Exhibit Appx Ex F2 (Part II))(HERSH, LAWRENCE) (Entered: 03/07/2013)
03/07/2013	<u>399</u>	APPENDIX in Support filed by BANXCORP re <u>389</u> MOTION for Summary Judgment <i>Notice of Motion Appx Ex F3-F4 (Sealed)</i> (Attachments: # <u>1</u> Exhibit Appx Ex F5-F6)(HERSH, LAWRENCE) (Entered: 03/07/2013)
03/07/2013	<u>400</u>	APPENDIX in Support filed by BANXCORP re <u>389</u> MOTION for Summary Judgment <i>Notice of Motion Appx Ex F7 (Part I) (Sealed)</i> (Attachments: # <u>1</u> Exhibit Appx Ex F7 (Part II), # <u>2</u> Exhibit Appx Ex F7 (Part III), # <u>3</u> Exhibit Appx Ex F7 (Part IV))(HERSH, LAWRENCE) (Entered: 03/07/2013)
03/07/2013	<u>401</u>	APPENDIX in Support filed by BANXCORP re <u>389</u> MOTION for Summary Judgment <i>Notice of Motion Appx Ex F8 (Part I) (Sealed)</i> (Attachments: # <u>1</u> Exhibit Appx Ex F8 (Part II), # <u>2</u> Exhibit Appx Ex F9-F11, # <u>3</u> Exhibit Appx Ex F12-F13, # <u>4</u> Exhibit Appx Ex F14 (Part I), # <u>5</u> Exhibit Appx Ex F14 (Part II))(HERSH, LAWRENCE) (Entered: 03/07/2013)
03/07/2013	<u>402</u>	APPENDIX in Support filed by BANXCORP re <u>389</u> MOTION for Summary Judgment <i>Notice of Motion Appx Ex F15 (Sealed)</i> (Attachments: # <u>1</u> Exhibit Appx Ex F16-F17, # <u>2</u> Exhibit Appx Ex F18-F26, # <u>3</u> Exhibit Appx Ex F27-F34)(HERSH, LAWRENCE) (Entered: 03/07/2013)
03/07/2013	<u>403</u>	APPENDIX in Support filed by BANXCORP re <u>389</u> MOTION for Summary Judgment <i>Notice of Motion Appx Ex F35-F40 (Sealed)</i> (Attachments: # <u>1</u> Exhibit Appx Ex F41-F45, # <u>2</u> Exhibit Appx Ex F46-F48, # <u>3</u> Exhibit Appx Ex F49-F54, (HERSH, LAWRENCE) (Entered: 03/07/2013)
03/07/2013	<u>404</u>	APPENDIX in Support filed by BANXCORP re <u>389</u> MOTION for Summary Judgment <i>Notice of Motion Appx Ex F62-F67 (Sealed)</i> (Attachments: # <u>1</u> Exhibit Appx Ex F68-F77, # <u>2</u> Exhibit Appx Ex F78-F79, # <u>3</u> Exhibit Appx Ex F80-F81)(HERSH, LAWRENCE) (Entered: 03/07/2013)

03/07/2013	<u>407</u>	APPENDIX in Support filed by BANXCORP re <u>389</u> MOTION for Summary Judgment <i>Notice of Motion Appx Ex F80-F81 (Sealed)</i> (Attachments: # <u>1</u> Exhibit Appx Ex F82-F86, # <u>2</u> Exhibit Appx Ex F87-F91)(HERSH, LAWRENCE)
03/07/2013	<u>408</u>	APPENDIX in Support filed by BANXCORP re <u>389</u> MOTION for Summary Judgment <i>Notice of Motion Appx Ex F92-F100 (Sealed)</i> (Attachments: # <u>1</u> Exhibit Appx Ex F101-F108, # <u>2</u> Exhibit Appx Ex F109-F114)(HERSH, LAWRENCE)
03/07/2013	<u>409</u>	APPENDIX in Support filed by BANXCORP re <u>389</u> MOTION for Summary Judgment <i>Notice of Motion Appx Ex F115-F122 (Sealed)</i> (Attachments: # <u>1</u> Exhibit Appx Ex F123-F130)(HERSH, LAWRENCE)
03/07/2013	<u>410</u>	BRIEF in Support filed by BANXCORP re <u>389</u> MOTION for Summary Judgment <i>Notice of Motion</i> (Attachments: # <u>1</u> Statement of Undisputed Material Facts, # <u>2</u> Text of Proposed Order, # <u>3</u> Certificate of Service, # <u>4</u> Letter from Counsel for BanxCorp to Hon. Kevin McNulty, U.S.D.J.)(HERSH, LAWRENCE) (Entered: 03/07/2013)
04/11/2013	<u>417</u>	BRIEF in Opposition filed by BANXCORP re <u>405</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Statement Plaintiff's Responses to Defendant's Rule 56.1 Statement of Undisputed Material Facts, # <u>2</u> Brief Plaintiff's Rule 56(c)(2) Objections to Admissibility w/Appx Ex. H12, # <u>3</u> Declaration of Mordechai I. Lipkis, Esq., # <u>4</u> Appendix Exhibits 1-11, # <u>5</u> Certificate of Service)(HERSH, LAWRENCE) (Entered: 04/11/2013)
04/11/2013	<u>418</u>	APPENDIX in Opposition filed by BANXCORP re <u>405</u> MOTION for Summary Judgment <i>Exhibits H13-H14 (confidential)</i> (HERSH, LAWRENCE) (Entered: 04/11/2013)
05/02/2013	<u>421</u>	REPLY BRIEF to Opposition to Motion filed by BANXCORP re <u>389</u> MOTION for Summary Judgment <i>Notice of Motion</i> (Attachments: # <u>1</u> Certificate of Service)(HERSH, LAWRENCE) (Entered: 05/02/2013)
05/06/2013	<u>422</u>	BRIEF in Opposition filed by BANXCORP re <u>415</u> MOTION to Strike <i>the Report and Opinions of Stan V. Smith, Ph.D</i> (HERSH, LAWRENCE) (Entered: 05/06/2013)
05/06/2013	<u>423</u>	BRIEF in Opposition filed by BANXCORP re <u>416</u> MOTION to Strike <i>the Declaration of Norbert Mehl</i> (Attachments: # <u>1</u> Certificate of Service)(HERSH, LAWRENCE) (Entered: 05/06/2013)
06/10/2013	<u>433</u>	Letter from counsel for the parties to the Hon. Michael A. Hammer, U.S.M.J. as to Joint Status Report re <u>432</u> Order. (HERSH, LAWRENCE) (Entered: 06/10/2013)
07/26/2013	<u>437</u>	Letter from counsel for the parties to the Hon. Michael A. Hammer, U.S.M.J. as to updated Joint Status Report re <u>436</u> Order,. (Attachments: # <u>1</u> Exhibit Ex. 1, # <u>2</u> Exhibit Ex. 2, # <u>3</u> Exhibit Ex. 3, # <u>4</u> Exhibit Ex. 4, # <u>5</u> Exhibit Ex. 5, # <u>6</u> Exhibit Ex. 6, # <u>7</u> Exhibit Ex.,7, # <u>8</u> Exhibit Ex. 8, # <u>9</u> Exhibit Ex. 9, # <u>10</u> Exhibit Ex.
07/29/2013	<u>438</u>	ORDER denying pltf's request for an adverse inference and imposition of sanctions against deft's, w/out prejudice; etc.. Signed by Magistrate Judge Michael A. Hammer on 7/29/2013. (nr,) (Entered: 07/30/2013)

08/12/2013	<u>440</u>	MOTION ... <i>for sanctions due to Defendant Bankrate's fraud on the Court</i> by BANXCORP. (Attachments: # <u>1</u> Brief in Support of Motion, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit B1, # <u>5</u> Exhibit B2, # <u>6</u> Exhibit B3, # <u>7</u> Exhibit B4, # <u>8</u> Exhibit B5, # <u>9</u> Exhibit B6, # <u>10</u> Exhibit B7, # <u>11</u> Exhibit B8, # <u>12</u> Exhibit B9, # <u>13</u> Exhibit 10, # <u>14</u> Text of Proposed Order, # <u>15</u> Certificate of Service)(HERSH, LAWRENCE) (Entered: 08/12/2013)
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Dated: September 30, 2014

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